

REMARKS

This Amendment is responsive to the Office Action dated August 3, 2004. Claims 1-10 were pending in the application. In the Office Action, claims 1-8 and 10 were rejected and claim 9 was objected to. In this Amendment, claims 1-10 have been amended. Claims 1-10 thus remain for consideration.

Applicant submits that claims 1-10 are in condition for allowance and requests reconsideration and withdrawal of the rejections in light of the following remarks.

Drawings

The objection to the drawings is noted and is corrected in accordance with the drawing change submitted herewith.

Applicant has provided a replacement drawing sheet, including Fig. 2a for the corresponding previously filed drawing sheet. The replacement sheet amends Fig. 2a by inserting the label "Prior Art."

Abstract

The abstract was objected to because it was not limited to a single paragraph.

Applicant has amended the abstract, and submits that the abstract as amended is in compliance with all formality requirements.

Specification

Applicant has made numerous amendments to the specification, and believes that the specification is now in compliance with all formality requirements. No new matter has been added.

Claim Objections

Claims 1-10 were objected to because of informalities.

Applicant has made numerous amendments to claims 1-10, and believes that the claims are now in compliance with all formality requirements. Accordingly, Applicant requests that any objections to claims 1-10 be withdrawn.

§112 Rejections

Claims 1-7 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Applicant has amended claims 1-7 and submits that the amendments to claims 1-7 render the claims compliant with §112. Accordingly, Applicant requests that the rejections under §112 be withdrawn.

§103 Rejections

Claims 1-4 and 7 were rejected under 35 U.S.C. §103(a) as being unpatentable over Kale et al. (High Resolution Data Conversion via Sigma-Delta Modulators and Polyphase Filters: A Review”) in view of Bolle (GB-2282303-A).

Claims 8 and 10 were rejected under 35 U.S.C. §102(e) as being anticipated by Chalmers (U.S. Patent No. 6,141,372).

Applicant respectfully submits that the independent claims (claims 1 and 8) are patentable over Kale, Bolle and Chalmers.

Applicant's invention as recited in the independent claims is directed toward a polyphase filter and an IQ generator. Each of the claims recites "wherein said polyphase filter increases a number of Intermediate Frequencies (IF) utilized in selecting the sampling frequency."

Supporting disclosure can be found throughout the specification.

Kale, Bolle and Chalmers do not disclose a polyphase filter that increases a number of Intermediate Frequencies (IF) utilized in selecting a sampling frequency, as instantly claimed. Accordingly, Applicant believes that claims 1 and 8 are patentable over Kale, Bolle and Chalmers – taken either alone or in combination – on at least this basis.

Furthermore, since dependent claims inherit the limitations of their base claims, dependent claims 2-7, 9 and 10 are believed to be patentable over Kale, Bolle and Chalmers for at least the same reasons discussed in connection with the independent claims 1 and 8.

Applicant submits that all of the claims now pending in the application are in condition for allowance, which action is earnestly solicited.

It is submitted that these claims, as originally presented, are patentably distinct over the prior art cited by the Examiner, and that these claims were in full compliance with the requirements of 35 U.S.C. §112. Changes to these claims, as presented herein, are not made for the purpose of patentability within the meaning of 35 U.S.C. §§101, 102, 103 or 112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicant is entitled.

Statements appearing above with respect to the disclosures in the cited references represent the present opinions of the Applicant's undersigned attorney and, in the event that the Examiner disagrees with any such opinions, it is respectfully requested that the Examiner

spécifically indicate those portions of the respective reference providing the basis for a contrary view.

If any issues remain, or if the Examiner has any further suggestions, he/she is invited to call the undersigned at the telephone number provided below.

The Examiner is hereby authorized to charge any insufficient fees or credit any overpayment associated with the above-identified application to Deposit Account No. 50-0320.

The Examiner's consideration of this matter is gratefully acknowledged.

Respectfully submitted,

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REPLACEMENT SHEET

Figure 2a (PRIOR ART)

